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August 17, 2009

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
c/o Natek, Inc.
236 Massachusetts Avenue, N.E., Suite 110
Washington, DC 20002

RE: PS#09-14-Congressional 9-1-1 Report on State Collection & Distribution of 911 and Enhanced 911 Fees and Charges dated July 22, 2009

Dear Ms. Dortch:

I am writing to officially place on file a dispute regarding the 911 fee information provided by NYS. In the full report on Page #39 it noted that NYS is collecting just over \$19 million annually on wireless surcharge fees. While the report indicates this is a yearly amount, I believe this is the monthly amount. That would place NYS on track to collect just over \$230 million this year. There are an estimated 16 million cellular telephone subscribers in NYS.

We base our dispute on recent Freedom of Information requests we placed with the NYS Department of Taxation and Finance. In the response to our request, NYS indicated it has collected the following since 2005:

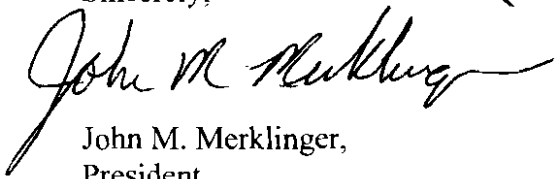
2005	\$137,154,155.74
2006	\$152,049,512.27
2007	\$165,845,960.68
2008	\$174,870,026.95

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In fact, since 2002 NYS has collected \$825,779,301.00. The state shares annually with the local 911 Centers only \$10 million and the remainder goes to various funds within NYS such as the General Fund, the Statewide Wireless Radio System, the Revolving Loan Fund and more.

As President of the NYS 9-1-1 Coordinators Association, I feel obligated to continue to work on correcting what my colleagues and I see as fund raiding by NYS of the collected 9-1-1 surcharge fees. If I can answer any questions, please do not hesitate to contact me at 585-528-2207. Thank you!

Sincerely,

A handwritten signature in black ink, reading "John M. Merklinger". The signature is fluid and cursive, with a long horizontal stroke at the end.

John M. Merklinger,
President

Cc: Julius Genachowski, Chairman



City of Rochester

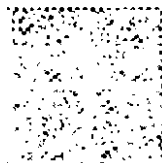
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